

**BYLAWS
OF
THE ILLINOIS COMMERCE COMMISSION (“ICC” or “Commission”)
UNDERGROUND UTILITY DAMAGE PREVENTION ADVISORY COMMITTEE
(“Advisory Committee” or “Committee”)**

ARTICLE I – NAME AND ADDRESS

This Committee shall be known as the “ICC Underground Utility Damage Prevention Advisory Committee.” Correspondence to the Advisory Committee should be addressed to:

ICC Underground Utility Damage Prevention Advisory Committee
c/o Manager, JULIE Enforcement
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701

ARTICLE II – PURPOSE

This Committee is established by the Illinois Commerce Commission pursuant to Section 11 (L) of the Illinois Underground Utility Facilities Damage Prevention Act (“the Act”) 220 ILCS 50/11(L). The purpose of this Committee, as defined in the Act and 83 Ill. Adm. Code 265 is to serve as a peer review panel for any contested penalties resulting from enforcement of the Act.

ARTICLE III – COMMITTEE MEMBERSHIP

The Advisory Committee shall consist of five (5) voting members representing the following entities:

- (1) Underground Utility Operator
- (1) J.U.L.I.E.
- (1) Excavator
- (1) Municipality
- (1) General Public

Membership on the Advisory Committee shall be by Commission appointment. In appointing members, consideration should be given to obtaining members from different parts of the state of Illinois to obtain geographic diversity on the Committee.

ARTICLE IV – QUALIFICATION TO SERVE

Persons desiring to serve on the Committee as a representative of the Underground Utility Operators, Excavators, Municipalities or J.U.L.I.E. shall submit an

application to the Commission and must be sponsored by one or more of the entities who they will represent. The Advisory Committee member from the general public shall be recommended to the Commission by the other members of the Committee. Persons appointed to the Advisory Committee shall have expertise with the operations covered by the Act.

ARTICLE V – TERM OF APPOINTMENT

Initial Advisory Committee membership shall be split, with the terms of two appointees extending until December 31, 2004 and the terms of three appointees extending until December 31, 2003. Thereafter, all terms shall be for a period of two years or until a replacement is appointed by the Commission. A member in good standing may be re-appointed for one or more additional terms. Each member of the Advisory Committee shall serve until the effective date of the successor's appointment, unless removed by the Commission under Article VII.

ARTICLE VI – OFFICERS AND DIRECTORS

At the first meeting of the Advisory Committee after the approval of the Bylaws, the Advisory Committee members shall elect from their ranks a Chairperson and a Vice-Chairperson. These officers shall serve for a term of one year from the date of their election or until their successors are elected. The Chairperson shall preside at all meetings of the Committee except that in his/her absence the Vice-Chairperson shall preside.

ARTICLE VII – REMOVAL

Any member of the Advisory Committee may resign, or be removed at any time by the Commission.

ARTICLE VIII – VACANCIES

Any vacancy occurring on the Advisory Committee shall be filled as soon as practical by appointment by the Commission. Should a list of candidates for the position be unavailable, the Commission may appoint a person to fill the vacancy based on a recommendation by the remaining Advisory Committee members and consistent with Article III of these Bylaws. The term of such appointment shall be for the remaining unexpired portion of the original term. Any person so appointed shall be eligible for reappointment.

ARTICLE IX – COMPENSATION

Members of the Advisory Committee shall serve without compensation. Nothing contained in this section shall be construed to prevent any sponsoring organization from compensating their representative for salary or expenses while serving as an Advisory Committee member.

ARTICLE X – MEETINGS

Regular meetings of the Advisory Committee shall be conducted and held monthly in accordance with a schedule of regular meetings established under the Open Meetings Act (5 ILCS 120). All persons attending these meetings, i.e., other than Advisory Committee members and Commission Staff, may be permitted to address the Advisory Committee only as allowed under 83 Ill. Adm. Code 265.300(a), or as permitted at the discretion of the presiding officer of the Advisory Committee. One representative of an alleged violator may address the Advisory Committee; any additional representatives may address the Advisory Committee if the presiding officer determines that such presentations will assist the Committee without unduly lengthening the meeting.

ARTICLE XI – SPECIAL MEETINGS

The Chairperson may call special or emergency meetings of the Advisory Committee, with notice to be provided in accordance with the Open Meetings Act.

ARTICLE XII – ATTENDANCE

To remain in good standing, an Advisory Committee member must attend 75 percent of all meetings conducted in a calendar year.

ARTICLE XIII – AMENDMENTS

These Bylaws may be amended by the Commission on its own motion or upon the basis of a recommendation by a majority vote of the members of the Advisory Committee present at any meeting. All amendments require approval by the Commission to become effective.

ARTICLE XIV – QUORUM

At any meeting of the Advisory Committee, three members of the Advisory Committee present shall constitute a quorum for the transaction of business. Action by a majority of the quorum of the Advisory Committee at any meeting shall be deemed to represent the action of the entire Advisory Committee.

ARTICLE XV – ACTIONS AND POWERS

Any action by the Advisory Committee shall be reported by the vote of those Committee members present. Members who cannot attend meetings shall not be allowed to send an alternate representative. When an enforcement action is brought before the Advisory Committee, and the employer of a Committee member either filed a report that resulted in the action, or is the alleged violator, that Committee member shall have the right to speak on the issue before the Committee, but the Committee member shall abstain from voting on the enforcement action. Such abstention shall be reported in the roll call vote. No Advisory Committee member shall vote by proxy or allow his/her vote to be cast by another.

ARTICLE XVI – POLICIES

The following policies are used as guides to the Committee during its review and recommendation process relative to reports of probable violations of the Act.

1. The Commission Staff shall keep the original record of the Advisory Committee vote with each Report File.
2. The Commission Staff shall direct all enforcement action correspondence relative to probable violations of the Act to the Chief Executive of the entity alleged to have violated the Act or other person as designated by that entity.
3. Prior to presentation to the Advisory Committee, the Staff's investigation, findings and recommendations should be reviewed by the Staff Manager responsible for the Commission's Damage Prevention Program.
4. The Commission Staff will provide a quarterly balance of the Illinois Underground Utility Facilities Damage Prevention Fund to the Advisory Committee.